

1 MR. TOPEL: No, no, Your Honor, not at all, not at  
2 all. Those are exhibits that were in common.

3 JUDGE CHACHKIN: I see.

4 MR. TOPEL: There will be many other exhibits to  
5 which I will not object, I --

6 JUDGE CHACHKIN: Well let's, let's go down the list  
7 here, perhaps we could move, get that list out of the way.

8 MR. TOPEL: I can give you some of them.

9 JUDGE CHACHKIN: Well let me give you the numbers  
10 and you tell me whether you object to them and I'm just going  
11 to, I'll just go down the list. Unless you have a list of  
12 others you don't object to?

13 MR. TOPEL: I can give you a list of some that I  
14 don't object to, and I may, I anticipate expanding that list  
15 by Monday morning.

16 MR. COHEN: Is this, are you going to give us Mass  
17 Media Bureau --

18 MR. TOPEL: Yeah, just --

19 MR. COHEN: -- Exhibits or Glendale exhibits now you  
20 don't object to?

21 MR. TOPEL: I, Glendale is what I'm prepared to  
22 proceed with initially.

23 JUDGE CHACHKIN: All right, let's do Glendale then.

24 MR. TOPEL: Okay. Your Honor, Glendale Exhibit 39  
25 --

1 JUDGE CHACHKIN: Glendale Exhibit 39?

2 MR. TOPEL: With the exception, and I think Mr.  
3 Cohen will have no problem with this, Glendale Exhibit 39 is  
4 an application filed with the FCC and pages 1 through 14 of  
5 the exhibit are the application. The following pages, 15, 16,  
6 17 and 18 don't go with the application --

7 MR. COHEN: I don't either. I'll be glad to, I  
8 don't, I don't care about them.

9 MR. TOPEL: Right. That's what I anticipated. So I  
10 would not object to Glendale -- excuse me, why don't you  
11 withdraw pages 15 to 19 and then I'll just not object to the  
12 remainder of the exhibit.

13 MR. COHEN: I just adopt your remarks.

14 JUDGE CHACHKIN: All right, I'm only receiving pages  
15 1 through, what is it, 14?

16 MR. TOPEL: 1 through 14.

17 JUDGE CHACHKIN: 1 through 14 are being received,  
18 yes, of Glendale Exhibit 39.

19 (The document previously marked for  
20 identification as Glendale Exhibit  
21 39, pages 1 through 14 were entered  
22 into evidence.)

23 MR. TOPEL: Glendale Exhibit 52, no objection.

24 JUDGE CHACHKIN: Glendale Exhibit 52 is received.

25 (The document previously marked for

1 identification as Glendale Exhibit 52  
2 was entered into evidence.)

3 MR. TOPEL: Glendale Exhibit -- actually 62 I think  
4 I later discovered was already included in our case, I think  
5 that's already been received.

6 JUDGE CHACHKIN: Yes, it has.

7 MR. TOPEL: I wasn't going to object anyway.

8 JUDGE CHACHKIN: Good judgement.

9 MR. TOPEL: Glendale Exhibit 75.

10 JUDGE CHACHKIN: Glendale Exhibit 75 is received.

11 (The document previously marked for  
12 identification as Glendale Exhibit 75  
13 was entered into evidence.)

14 MR. TOPEL: Glendale Exhibit 81.

15 JUDGE CHACHKIN: Glendale Exhibit 81 is received.

16 (The document previously marked for  
17 identification as Glendale Exhibit 81  
18 was entered into evidence.)

19 MR. TOPEL: Glendale Exhibit 85.

20 JUDGE CHACHKIN: Glendale Exhibit 85 is received.

21 (The document previously marked for  
22 identification as Glendale Exhibit 85  
23 was entered into evidence.)

24 MR. TOPEL: Glendale Exhibit 87 and 88, which are  
25 counterparts of the same instrument.

1 JUDGE CHACHKIN: Glendale Exhibits 87 and 88 are  
2 received.

3 (The documents previously marked for  
4 identification as Glendale Exhibits  
5 87 & 88 were entered into evidence.)

6 MR. TOPEL: Excuse me, Your Honor, I have to change  
7 volumes.

8 JUDGE CHACHKIN: Go ahead.

9 MR. TOPEL: And the court reporter's changing tapes.  
10 Okay.

11 (Tape 4)

12 JUDGE CHACHKIN: All right. Continue.

13 MR. TOPEL: Glendale Exhibit 103.

14 JUDGE CHACHKIN: Glendale Exhibit 103 is received.  
15 (The document previously marked for  
16 identification as Glendale Exhibit  
17 103 was entered into evidence.)

18 MR. TOPEL: And, Your Honor, I can give you a  
19 series. 104, 105, 106, 107, 108 and 109. So 103 through 109.

20 JUDGE CHACHKIN: Glendale Exhibits 103 through 109  
21 are received.

22 (The documents previously marked for  
23 identification as Glendale Exhibits  
24 104-109 were entered into evidence.)

25 MR. TOPEL: Glendale Exhibits 111, 12, 13 and 14,

1 111 through 114.

2 JUDGE CHACHKIN: Glendale Exhibits 111 through 114  
3 are received.

4 (The document previously marked for  
5 identification as Glendale Exhibits  
6 111-114 were entered into evidence.)

7 MR. TOPEL: Glendale Exhibit 116.

8 JUDGE CHACHKIN: Glendale Exhibit 116 is received.  
9 (The document previously marked for  
10 identification as Glendale Exhibit  
11 116 was entered into evidence.)

12 MR. TOPEL: Glendale Exhibit 118.

13 JUDGE CHACHKIN: Glendale Exhibit 118 is received.  
14 (The document previously marked for  
15 identification as Glendale Exhibit  
16 118 was entered into evidence.)

17 MR. TOPEL: Your Honor, the next series I have  
18 unfortunately I didn't write down in any kind of sequential  
19 order and I'll explain that. The, the parties to the  
20 proceeding have reached a stipulation and informed you that  
21 the deposition testimony of Mr. Ben Miller will be admitted  
22 into the record, and along with that will come all documents  
23 that, on which he was examined that he authenticated as well  
24 as other documents that, on which he was not examined but  
25 which he could authenticate if he were here. I have

1 identified some of those documents that relate to his  
2 deposition to which I will have no objection. I expect that  
3 list to stand as I have a further opportunity to compare the  
4 exhibits that were exchanged to the deposition testimony, but  
5 I can give you some of those now and we will not be objecting  
6 to those subject to the stipulation.

7 Glendale Exhibit 137.

8 JUDGE CHACHKIN: Glendale Exhibit 137 is received.

9 (The document previously marked for  
10 identification as Glendale Exhibit  
11 137 was entered into evidence.)

12 MR. TOPEL: Glendale Exhibit 154.

13 JUDGE CHACHKIN: Glendale Exhibit 154 is received.

14 (The document previously marked for  
15 identification as Glendale Exhibit  
16 154 was entered into evidence.)

17 MR. TOPEL: Glendale Exhibit 174.

18 JUDGE CHACHKIN: Glendale Exhibit 174 is received.

19 (The document previously marked for  
20 identification as Glendale Exhibit  
21 174 was entered into evidence.)

22 MR. TOPEL: Glendale Exhibit 175.

23 JUDGE CHACHKIN: Glendale Exhibit 175 is received.

24 (The document previously marked for  
25 identification as Glendale Exhibit

1 175 was entered into evidence.)  
2 MR. TOPEL: Glendale Exhibit 176.  
3 JUDGE CHACHKIN: It wasn't --  
4 MR. TOPEL: Oh, okay.  
5 JUDGE CHACHKIN: Was withdrawn.  
6 MR. SHOOK: Withdrawn.  
7 MR. TOPEL: Oh, that's the one that was, were  
8 duplicates?  
9 JUDGE CHACHKIN: Yes. But there's a series of four  
10 documents -- five documents, six documents I see with Miller's  
11 name on it.  
12 MR. TOPEL: I'm sorry, Your Honor?  
13 JUDGE CHACHKIN: There's a series of six documents,  
14 Exhibit number 177, which lists Mr. Miller in --  
15 MR. TOPEL: Yes, yes. As I said, I have these out  
16 of sequence --  
17 JUDGE CHACHKIN: All right, go ahead.  
18 MR. TOPEL: -- and I have them in the order they  
19 came up during the deposition is what happened.  
20 JUDGE CHACHKIN: All right. The last one --  
21 MR. TOPEL: Glendale 144 wasn't identified, is that  
22 correct, because that was a Bureau exhibit?  
23 MR. COHEN: Correct, that's Bureau 392.  
24 MR. TOPEL: Well, Your Honor, I have no objection to  
25 Mass Media Bureau 392.

1 JUDGE CHACHKIN: Well we'll get to the Mass Media  
2 Bureau afterwards.

3 MR. TOPEL: Okay.

4 JUDGE CHACHKIN: Let's deal with Glendale.

5 MR. TOPEL: Okay. Glendale Exhibit 130.

6 JUDGE CHACHKIN: Glendale Exhibit 130 is received.

7 (The document previously marked for  
8 identification as Glendale Exhibit  
9 130 was entered into evidence.)

10 MR. TOPEL: Okay. Glendale Exhibit 170.

11 JUDGE CHACHKIN: Glendale Exhibit 170 is received.

12 (The document previously marked for  
13 identification as Glendale Exhibit  
14 170 was entered into evidence.)

15 MR. TOPEL: Glendale Exhibit 177.

16 JUDGE CHACHKIN: Glendale Exhibit 177 is received.

17 (The document previously marked for  
18 identification as Glendale Exhibit  
19 177 was entered into evidence.)

20 MR. TOPEL: Glendale Exhibit 169.

21 JUDGE CHACHKIN: Glendale Exhibit 169 is received.

22 (The document previously marked for  
23 identification as Glendale Exhibit  
24 169 was entered into evidence.)

25 MR. TOPEL: Glendale Exhibit 166.



1 JUDGE CHACHKIN: Glendale Exhibit 166 is received.  
2 (The document previously marked for  
3 identification as Glendale Exhibit  
4 166 was entered into evidence.)  
5 MR. TOPEL: Glendale Exhibit 165.  
6 JUDGE CHACHKIN: Glendale Exhibit 165 is received.  
7 (The document previously marked for  
8 identification as Glendale Exhibit  
9 165 was entered into evidence.)  
10 MR. TOPEL: Glendale Exhibit 158.  
11 JUDGE CHACHKIN: Glendale Exhibit 158 is received.  
12 (The document previously marked for  
13 identification as Glendale Exhibit  
14 158 was entered into evidence.)  
15 MR. TOPEL: Glendale Exhibit 157.  
16 JUDGE CHACHKIN: Glendale Exhibit 157 is received.  
17 (The document previously marked for  
18 identification as Glendale Exhibit  
19 157 was entered into evidence.)  
20 MR. TOPEL: Glendale Exhibit 151.  
21 JUDGE CHACHKIN: Glendale Exhibit 151 is received.  
22 (The document previously marked for  
23 identification as Glendale Exhibit  
24 151 was entered into evidence.)  
25 MR. TOPEL: Okay, and I may have some others, Your

1 Honor. Your Honor, that, I can expand upon that list by  
2 Monday morning.

3 JUDGE CHACHKIN: All right.

4 MR. TOPEL: Out of respect to both Glendale's offer  
5 and the Mass Media Bureau's offer, that was as far as I was  
6 able to get with absolute certainty, so if we went through  
7 sequentially we would start picking up, at least at the early  
8 stage at the Glendale series documents that I would object to,  
9 but I think there will be many more that I won't if --

10 JUDGE CHACHKIN: All right, well we'll put it off  
11 until Monday. I'm just wondering, are you going to have a  
12 general objection in addition to specific objections or are  
13 you dealing with specific objections?

14 MR. TOPEL: I, the reason I hesitate is that I think  
15 my intention has changed about a half a dozen times during the  
16 hearing. I, I think I will have one specific objection that  
17 will cover many documents. And may wind up having four or  
18 five objections of that nature, that once you rule there will  
19 be a whole series of documents that will come one way or the  
20 other. I may also have a general objection that would apply  
21 to everything and allow us to, to do everything in one fell  
22 swoop, but my, my, my best believe is I'm not going to be able  
23 to do that.

24 JUDGE CHACHKIN: But you want to reveal these  
25 secrets on Monday morning I gather.

1 MR. TOPEL: Well, yes, that's correct. Your Honor,  
2 if you want to proceed --

3 JUDGE CHACHKIN: No, I'm not --

4 MR. TOPEL: I just, my sense would be that when Mr.  
5 Cohen offers his first document and I make my first objection  
6 that there would be some argument and discussion about it.

7 JUDGE CHACHKIN: Well I was just thinking if you  
8 have a general objection which is going to require research  
9 and all the rest so the parties have an opportunity to --

10 MR. TOPEL: Oh, okay.

11 JUDGE CHACHKIN: -- research it might save time,  
12 that's all I was --

13 MR. TOPEL: Okay, no, I wasn't trying to surprise  
14 anyone because I --

15 JUDGE CHACHKIN: Well that's what, that's what I was  
16 thinking it --

17 MR. TOPEL: If I was sure of the general objection  
18 I'd be happy to make it now.

19 JUDGE CHACHKIN: Well, no, we --

20 MR. TOPEL: But I, my present inclination was not to  
21 make a general objection.

22 JUDGE CHACHKIN: All right, then we'll take this up  
23 Monday morning. We'll now recess until Monday Morning at  
24 9:30.

25 MR. TOPEL: Thank you.

1 (Whereupon the hearing was recessed to reconvene at 9:30  
2 a.m. on Monday, December 6, 1993.)  
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**Docket No.**

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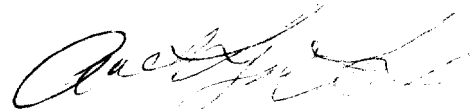
DECEMBER 3, 1993

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 982 through 1141, inclusive, are the true, accurate and complete transcript prepared from the reporting by ALICE WEHNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

12/9/93

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